

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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THE HERSHEY COMPANY and  
HERSHEY CHOCOLATE &  
CONFECTIONERY CORPORATION

Plaintiffs,

v.

PROMOTION IN MOTION, INC.

Defendant.

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Honorable Madeline Cox Arleo

Civil Action No. 07-1601 (SDW)

**ORDER**

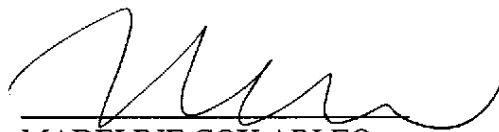
**THIS MATTER** having come before the Court upon the motion of plaintiffs, The Hershey Company and Hershey Chocolate & Confectionery Corporation (“plaintiffs”) seeking a determination as to whether certain documents of defendant, Promotion in Motion, Inc., which were filed in connection with plaintiffs’ motion for partial summary judgment on their claim to cancel defendant’s SWISSKISS trademark registration for lack of *bona fide* use in commerce, should be sealed pursuant to L. Civ. R. 5.3(c) (Dkt. Entry No. 65); and defendant having informed the Court in its letter of March 8, 2010, that it withdraws its confidentiality designations with respect to Exhibits 2, 3, 13, 26, 27 and 28 to Thomas Smart’s declaration; and plaintiffs having submitted no opposition to same; and for good cause shown;

IT IS on this 14 day of March 2010,

**ORDERED THAT** plaintiffs’ motion seeking a determination as to whether certain documents in support of their motion for partial summary judgment should be sealed is **DISMISSED AS MOOT**; and it is further

**ORDERED THAT** plaintiffs’ brief in support of their motion for partial summary judgment

(Dkt. No. 62), plaintiffs' Local Civil Rule 56.1 Statement (Dkt. No. 61), and Exhibits 2, 3, 13, 26, 27 and 28 to Thomas Smart's declaration (Dkt. No. 64) shall be filed unsealed.

A handwritten signature in black ink, appearing to read 'M. Cox Arleo', written over a horizontal line.

MADÉLINE COX ARLEO  
United States Magistrate Judge

cc: Hon. Susan D. Wigenton, U.S.D.J.  
All Parties  
File